

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

DECISION AND ORDER

08-CR-6171L

v.

BRANDON DE CAPUA,

Defendant.

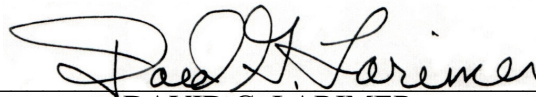
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By motion (Dkt. #37), the defendant Brandon DeCapua seeks an order for the return of certain items of personal property that were allegedly seized by the Government in connection with defendant's arrest on charges relating to the possession of child pornography. The Government has responded (Dkt. #39) to the motion. The motion is denied. Based on the Government's response, certain items seized were contraband as items involved in or that facilitated possession of child pornography and they have been destroyed. The other items mentioned are not, nor have they been, in the possession of the Government.

CONCLUSION

Defendant's motion for return of property (Dkt. # 37) is in all respects denied.

IT IS SO ORDERED.



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DAVID G. LARIMER  
United States District Judge

Dated: Rochester, New York  
May 31, 2011.